

SUPPLEMENTAL EXHIBIT 3

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)

LEN STOLER INC. d/b/a) Case No.
LEN STOLER AUDI) 1:15CV1659-TSE/JFA
Plaintiff)
vs.)
VOLKSWAGEN GROUP OF)
AMERICA, INC. d/b/a/)
AUDI OF AMERICA, INC.,)
Defendant)

Deposition of Barry Stoler
Baltimore, Maryland
July 21, 2016
10:00 a.m.

Reported by: Bonnie L. Russo
Job No. 2340471

Page 106	Page 108
<p>1 A. Correct.</p> <p>2 Q. So do you know if other dealers sell</p> <p>3 cars at lower gross profits so that they can</p> <p>4 increase their service volume?</p> <p>5 A. I don't know what happens as a</p> <p>6 business philosophy in other stores, no.</p> <p>7 Q. But that was not a business</p> <p>8 philosophy of Len Stoler, Inc.?</p> <p>9 A. Sure, it was. Our philosophy in Len</p> <p>10 Stoler Audi and Len Stoler, Inc. is if you can</p> <p>11 make a profit on a car and you can make a sale</p> <p>12 and replace the car, then you sell the car, but</p> <p>13 we are not going to take a loss on a car.</p> <p>14 A lot of times with Audi, in order</p> <p>15 to be competitive, we had to take losses on</p> <p>16 case which didn't make any sense because the</p> <p>17 other dealers had a price advantage over us.</p> <p>18 Q. Do you know if other Audi dealers</p> <p>19 were taking losses on cars?</p> <p>20 A. I don't know.</p> <p>21 Q. I want to turn to some of the other</p> <p>22 dealers in Maryland.</p>	<p>1 prices that Hunt Valley -- the prices that Hunt</p> <p>2 Valley was selling vehicles to consumers, what</p> <p>3 do you know about Hunt Valley's retail prices?</p> <p>4 A. I don't have knowledge as a business</p> <p>5 practice what they sold their cars for. I have</p> <p>6 not seen their financial statement, so I really</p> <p>7 wouldn't know.</p> <p>8 Q. What, if anything, do you know about</p> <p>9 Hunt Valley's profit margins?</p> <p>10 A. The only thing I can say about Hunt</p> <p>11 Valley's profit margins are, know about, is</p> <p>12 what I have been told about the deals that we</p> <p>13 would go against them with, that we couldn't</p> <p>14 compete because they have a price advantage</p> <p>15 over us.</p> <p>16 Q. So doesn't that really relate to the</p> <p>17 price, the retail price for the profit margin?</p> <p>18 A. We are talking about not retail</p> <p>19 price, but transactional price.</p> <p>20 Q. Perhaps I am -- we are using</p> <p>21 slightly different terms. I mean the sales</p> <p>22 price. The transactional price is what you are</p>
Page 107	Page 109
<p>1 Were other Maryland dealers your</p> <p>2 primary competitors at Len Stoler?</p> <p>3 A. Yes.</p> <p>4 MS. WAHL: Objection as to</p> <p>5 relevance.</p> <p>6 You have already answered.</p> <p>7 BY MR. FINE:</p> <p>8 Q. Who are the other Maryland Audi</p> <p>9 dealers?</p> <p>10 A. There is Hunt Valley, Criswell and</p> <p>11 Silver Spring will be the only competitor that</p> <p>12 we would actually be dealing with. There are</p> <p>13 other Maryland dealers, but only on a rare</p> <p>14 circumstance or rare occasion would we ever</p> <p>15 compete with them.</p> <p>16 Q. So the principal competitors of Len</p> <p>17 Stoler Audi were Hunt Valley, Criswell and that</p> <p>18 is in Annapolis?</p> <p>19 A. Annapolis.</p> <p>20 Q. And Silver Spring?</p> <p>21 A. Silver Spring, yes.</p> <p>22 Q. What do you know about the retail</p>	<p>1 talking about?</p> <p>2 A. Yes.</p> <p>3 Q. I'm going to back up then.</p> <p>4 As to Hunt Valley, what do you know</p> <p>5 about the transactional price of the vehicles</p> <p>6 that they sell?</p> <p>7 MS. WAHL: Currently.</p> <p>8 THE WITNESS: You mean today?</p> <p>9 BY MR. FINE:</p> <p>10 Q. I want to go broad and then narrow</p> <p>11 it down to specific time frames. 2016, what do</p> <p>12 you know about the --</p> <p>13 A. As I said before, only -- the only</p> <p>14 thing I know about would be the ones that were</p> <p>15 told to me by my managers and some of the</p> <p>16 salespeople on deals we were fighting with,</p> <p>17 where the customer is going back and forth.</p> <p>18 That's the only knowledge I have. I don't know</p> <p>19 what they do with other customers who don't</p> <p>20 shop. For all I know, they charge retail</p> <p>21 price.</p> <p>22 Q. How many times would you get into --</p>